

Description of Method Used to Illustrate
Changes to Original Text

In the attached regulations document, the language originally proposed and published in the public notice of June 10, 2016, is underlined. Deletions to existing language are shown by strikeout. Revisions made subsequent to the July 27, 2016, public hearing are shown as follows:

Added language	double underlined text <u>New language added following public hearing.</u>
Deleted language	double strikeout text Language deleted following public hearing.

Amend Section 87101 to read:

87101 DEFINITIONS

87101

(a) – (c) (Continued)

(d) (1) (Continued)

(2) "Deep Tissue Pressure Injury" means intact or non-intact skin with a localized area of persistent deep red, maroon, or purple discoloration or a separation in the protective outer layer of the skin that reveals a dark wound bed or blood-filled blister. Discoloration of the injury may appear differently in darkly pigmented skin. This injury occurs as a result of intense and/or prolonged pressure and the force of shear, an action or stress that causes internal parts of the body to become deformed, at the bone-to-muscle interface. If tissue, fascia, muscle, or other structures under the skin are visible, there will be a full thickness pressure injury that is identified as unstageable, a Stage 3, or Stage 4 deep tissue injury.

~~(23)~~ (Continued)

~~(34)~~ (Continued)

~~(45)~~ (Continued)

~~(56)~~ (Continued)

~~(67)~~ (Continued)

~~(78)~~ (Continued)

~~(89)~~ (Continued)

~~(910)~~ (Continued)

~~(1011)~~ (Continued)

(e) – (g) (Continued)

(h) (1) "Healing wounds" include cuts, stage one and two ~~dermal ulcers~~ pressure injuries as diagnosed by a physician, and incisions ~~that are being treated by an appropriate skilled professional~~ with the affected area returning to its normal state. They may involve breaking or laceration of the skin and usually damage to the underlying tissues.

(2) - (7) (Continued)

(i) – (o) (Continued)

(p) (1) - (2) (Continued)

(3) "Pressure Injury" means localized damage to the skin and/or soft tissue under the skin that is usually over a bony part of the body or related to a medical or other device. This damage can appear as intact skin or an open ulcer and may be painful. It occurs as a result of intense and/or prolonged pressure on the affected part of the body or pressure combined with shear, an action or stress that causes internal parts of the body to become deformed. Based on appearance and severity, the damage to tissue is a Stage 1, 2, 3, or 4 pressure injury.

~~(34)~~ (Continued)

~~(45)~~ (Continued)

~~(56)~~ (Continued)

(q) - (t) (Continued)

(u) (1) (Continued)

(2) "Unlicensed Residential Care Facility for the Elderly" means a facility as defined in Health and Safety Code section 1569.44.

Handbook (Continued)

(A) (Continued)

(B) (Continued)

~~(1)~~ 1. (Continued)

~~(2)~~ 2. (Continued)

~~(3)~~ 3. (Continued)

~~(4)~~ 4. (Continued)

(C) (Continued)

~~(1)~~ 1. (Continued)

~~(2)~~ 2. (Continued)

- (3) "Unstageable pressure injury" means a pressure injury with obscured full-thickness loss of skin and tissue in which the extent of tissue damage in the ulcer cannot be confirmed because it is covered by abnormal tissue in the form of slough or eschar. If slough or eschar is removed, a Stage 3 or Stage 4 pressure injury will be revealed.

(v) - (z) (Continued)

Authority cited: Sections 1569.23, 1569.30, 1569.616 and 1569.698, Health and Safety Code.

Reference: 42 CFR 418.3; Sections 1569.1, 1569.2, 1569.5, 1569.10, 1569.145, 1569.15, 1569.153, 1569.157, 1569.158, 1569.17, 1569.19, 1569.191, 1569.193, 1569.20, 1569.21, 1569.23, 1569.31, 1569.312, 1569.33, 1569.38, 1569.44, 1569.47, 1569.54, 1569.616, 1569.626, 1569.699, 1569.73, 1569.74, 1569.82, 1771 and 1797.196, Health and Safety Code; Sections 5350 and 15610.13, Welfare and Institutions Code; Sections 1500, 1800 and 4780, Probate Code.

Amend Section 87102 to read:

87102 DESCRIPTIONS OF FORMS

87102

The forms specified in subsections (j) through (l) only apply to this chapter, Chapter 8 (Residential Care Facilities for the Elderly). The following forms, which are incorporated by reference, specified in subsections (a) through (i) also apply to the regulations in Title 22, Division 6, Chapters 5 (Group Homes), and 6 (Adult Residential Facilities) and 8 (Residential Care Facilities for the Elderly), except for PUB 325 and the RCFE Core of Knowledge which only apply to Chapter 8. All forms in this section are incorporated, in their entirety, by reference.

- (a) LIC 9139 (01/16) - Renewal of Continuing Education Course Approval, Administrator Certification Program.
- (b) LIC 9140 (01/16) - Request for Course Approval, Administrator Certification Program.
- (c) LIC 9140A (01/16) - Request to Add or Replace Instructor, Administrator Certification Program.
- (d) LIC 9141 (01/16) - Vendor Application/Renewal, Administrator Certification Program.

- (e) LIC 9142A (01/16) – Roster of Participants - for Vendor Use Only, Administrator Certification Program.
- (f) LIC 9142B (01/16) – Roster of Participants – for Exam Proctoring Only, Administrator Certification Program.
- (g) LIC 9163 (3/11) – Request for Live Scan Service – Community Care Licensing.
- (h) LIC 508 (7/15) Criminal Record Statement.
- (i) LIC 9214 (01/16) – Application for Administrator Certification, Administrator Certification Program.
- (j) PUB 325 (3/12) – Your Right To Make Decisions About Medical Treatment.
- (k) Core of Knowledge Training Standard (01/16) - RCFE 80-Hour Initial Certification.
- (l) PUB 475 (1/15) - ~~Licensing~~ Residential Care Facility for the Elderly (RCFE) Complaint Poster.

Authority cited: Sections 1530, 1569.616(i)(1) and 1569.30, Health and Safety Code.

Reference: Sections 1522.41, 1562.3, 1569.267, 1569.269 and 1569.616, Health and Safety Code.

Amend Section 87109 to read:

87109 TRANSFERABILITY OF LICENSE

87109

(a) (Continued)

(b) The licensee shall notify the licensing agency and all residents receiving services, or their responsible persons, in writing as soon as possible and in all cases at least ~~sixty (60)~~ thirty (30) days prior to ~~the effective date that any change in ownership of the facility occurs as required by any of the events specified in~~ Health and Safety Code section 1569.191(a)(1).

(c) - (d) (Continued)

Authority cited: Section 1569.30~~(a)~~, Health and Safety Code.

Reference: Sections 1569.11 and 1569.191, Health and Safety Code.

Amend Section 87309 to read:

87309 STORAGE SPACE

87309

(a) - (3) (Continued)

(b) Medicines which are centrally stored shall be stored as specified in Section 87465~~(e)~~ and separately from other items specified in (a) above.

(c) (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.31 and 1569.312, Health and Safety Code.

Amend Section 87468 to read:

87468 PERSONAL RIGHTS

87468

- (a) ~~Each resident~~ Residents in residential care facilities for the elderly shall have personal rights which include, but are not limited to, ~~the following:~~ those listed below.

(1) Residents in all facilities shall have the following rights:

- (1) ~~(A)~~ (A) To be accorded dignity in ~~his/ or her~~ their personal relationships with staff, residents, and other persons.
- (2) ~~(B)~~ (B) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment.
- (3) ~~(C)~~ (C) To be free from corporal or unusual punishment, humiliation, intimidation, mental abuse, or other actions of a punitive nature, such as withholding of monetary allowances or interfering with daily living functions such as eating or sleeping patterns or elimination.
- (4) ~~(D)~~ (D) To be informed by the licensee of the provisions of law regarding complaints and of procedures to confidentially register complaints, including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency confidentially contact the Community Care Licensing Division of the California Department of Social Services, the long-term care ombudsman, or both, regarding grievances against the facility. This includes the right to contact the agencies specified in Health and Safety Code section 1569.885.
- (5) ~~(E)~~ (E) To have the freedom of attending religious services or activities of ~~his/ or her~~ their choice either in or outside the facility and to have visits from the spiritual advisor of ~~his/ or her~~ their choice. ~~Attendance at religious services, either in or outside the facility, shall be on a completely voluntary basis.~~
- (6) ~~(F)~~ (F) To leave or depart the facility at any time and to not be locked into any room, building, or on facility premises by day or night. ~~This does not prohibit the establishment of house rules, such as the locking of doors at night, for the protection of residents; nor does it prohibit, with permission of the licensing agency, the barring of windows against intruders.~~
1. This does not prohibit the establishment of house rules, such as the locking of doors at night, for the protection of residents; nor does it prohibit, with permission of the licensing agency, the barring of windows against intruders.

- (7) (G) To visit the facility prior to residence along with ~~his/ or her family and responsible persons~~ their representatives.
- (8) (H) To have ~~his/ or her family or responsible persons~~ their representatives regularly informed by the ~~facility~~ licensee of activities related to ~~his/ or her~~ their care or services including ongoing evaluations, as appropriate to the resident's needs.
- (9) (I) To have communications to the ~~facility~~ licensee from ~~his/ or her family and responsible persons~~ their representatives answered promptly and appropriately.
- (10) (J) To be informed of the ~~facility's~~ licensee's policy concerning family visits and other communications with residents, as specified in Health and Safety Code section 1569.313.

~~HANDBOOK BEGINS HERE~~

~~Health and Safety Code section 1569.313 provides that:~~

~~This policy shall be designed to encourage regular family involvement with the resident and shall provide ample opportunities for family participation in activities at the facility.~~

~~"Each residential care facility for the elderly shall state, on its client information form or admission agreement, and on its patient's rights form, the facility's policy concerning family visits and other communication with resident clients and shall promptly post notice of its visiting policy at a location in the facility that is accessible to residents and families.~~

~~The facility's policy concerning family visits and communication shall be designed to encourage regular family involvement with the resident client and shall provide ample opportunities for family participation in activities at the facility."~~

~~HANDBOOK ENDS HERE~~

- (11) (K) To have ~~his/ or her~~ their visitors, including ombudspersons and advocacy representatives, permitted to visit privately during reasonable hours and without prior notice, provided that the rights of other residents are not infringed upon.
- (12) (L) To wear ~~his/ or her~~ their own clothes; to keep and use ~~his/ or her~~ their own personal possessions, including ~~his/ or her~~ their toilet articles; and to keep and be allowed to spend ~~his/ her~~ their own money.
- (13) (M) To have access to individual storage space for private use.

- (14) (N) To have reasonable access to telephones, to both make and receive confidential calls. ~~The licensee may require reimbursement for long distance calls.~~
1. The licensee may require reimbursement for long distance calls.
- (15) (O) To mail and receive unopened correspondence in a prompt manner.
- (16) (P) To receive or reject medical care, or other services.
- (17) (Q) To receive assistance in exercising the right to vote.
- (18) (R) To move from the facility.
- (2) Residents in privately operated facilities ~~only~~ shall ~~also~~ have ~~additional~~ rights specified in Health and Safety Code section 1569.269.

HANDBOOK BEGINS HERE

~~Health and Safety Code section 1569.269(a) provides:~~

- ~~"(a) Residents of residential care facilities for the elderly shall have all of the following rights:~~
- ~~(1) To be accorded dignity in their personal relationships with staff, residents, and other persons.~~
- ~~(2) To be granted a reasonable level of personal privacy in accommodations, medical treatment, personal care and assistance, visits, communications, telephone conversations, use of the Internet, and meetings of resident and family groups.~~
- ~~(3) To confidential treatment of their records and personal information and to approve their release, except as authorized by law.~~
- ~~(4) To be encouraged and assisted in exercising their rights as citizens and as residents of the facility. Residents shall be free from interference, coercion, discrimination, and retaliation in exercising their rights.~~
- ~~(5) To be accorded safe, healthful, and comfortable accommodations, furnishings, and equipment.~~
- ~~(6) To care, supervision, and services that meet their individual needs and are delivered by staff that are sufficient in numbers, qualifications, and competency to meet their needs.~~

- ~~(7) To be served food of the quality and in the quantity necessary to meet their nutritional needs.~~
- ~~(8) To make choices concerning their daily life in the facility.~~
- ~~(9) To fully participate in planning their care, including the right to attend and participate in meetings or communications regarding the care and services to be provided in accordance with Section 1569.80, and to involve persons of their choice in the planning process. The licensee shall provide necessary information and support to ensure that residents direct the process to the maximum extent possible, and are enabled to make informed decisions and choices.~~
- ~~(10) To be free from neglect, financial exploitation, involuntary seclusion, punishment, humiliation, intimidation, and verbal, mental, physical, or sexual abuse.~~
- ~~(11) To present grievances and recommend changes in policies, procedures, and services to the staff of the facility, the facility's management and governing authority, and to any other person without restraint, coercion, discrimination, reprisal, or other retaliatory actions. The licensee shall take prompt actions to respond to residents' grievances.~~
- ~~(12) To contact the State Department of Social Services, the long-term care ombudsman, or both, regarding grievances against the licensee. The licensee shall post the telephone numbers and addresses for the local offices of the State Department of Social Services and ombudsman program, in accordance with Section 9718 of the Welfare and Institutions Code, conspicuously in the facility foyer, lobby, residents' activity room, or other location easily accessible to residents.~~
- ~~(13) To be fully informed, as evidenced by the resident's written acknowledgement, prior to or at the time of admission, of all rules governing residents' conduct and responsibilities. In accordance with Section 1569.885, all rules established by a licensee shall be reasonable and shall not violate any rights set forth in this chapter or in other applicable laws or regulations.~~
- ~~(14) To receive in the admission agreement a comprehensive description of the method for evaluating residents' service needs and the fee schedule for the items and services provided, and to receive written notice of any rate increases pursuant to Sections 1569.655 and 1569.884.~~
- ~~(15) To be informed in writing at or before the time of admission of any resident retention limitations set by the state or licensee, including any limitations or restrictions on the licensee's ability to meet residents' needs.~~

- ~~(16) To reasonable accommodation of individual needs and preferences in all aspects of life in the facility, except when the health or safety of the individual or other residents would be endangered.~~
- ~~(17) To reasonable accommodation of resident preferences concerning room and roommate choices.~~
- ~~(18) To written notice of any room changes at least 30 days in advance unless the request for a change is agreed to by the resident, required to fill a vacant bed, or necessary due to an emergency.~~
- ~~(19) To share a room with the resident's spouse, domestic partner, or a person of resident's choice when both spouses, partners, or residents live in the same facility and consent to the arrangement.~~
- ~~(20) To select their own physicians, pharmacies, privately paid personal assistants, hospice agency, and health care providers, in a manner that is consistent with the resident's contract of admission or other rules of the facility, and in accordance with this act.~~
- ~~(21) To have prompt access to review all of their records and to purchase photocopies. Photocopied records shall be promptly provided, not to exceed two business days, at a cost not to exceed the community standard for photocopies.~~
- ~~(22) To be protected from involuntary transfers, discharges, and evictions in violation of state laws and regulations. Facilities shall not involuntarily transfer or evict residents for grounds other than those specifically enumerated under state law or regulations, and shall comply with enumerated eviction and relocation protections for residents. For purposes of this paragraph, 'involuntary' means a transfer, discharge, or eviction that is initiated by the licensee, not by the resident.~~
- ~~(23) To move from a facility.~~
- ~~(24) To consent to have relatives and other individuals of the resident's choosing visit during reasonable hours, privately and without prior notice.~~
- ~~(25) To receive written information on the right to establish an advanced health care directive and, pursuant to Section 1569.156, the licensee's written policies on honoring those directives.~~
- ~~(26) To be encouraged to maintain and develop their fullest potential for independent living through participation in activities that are designed and implemented for this purpose, in accordance with Section 87219 of Title 22 of the California Code of Regulations.~~

- ~~(27) To organize and participate in a resident council that is established pursuant to Section 1569.157.~~
- ~~(28) To protection of their property from theft or loss in accordance with Sections 1569.152, 1569.153, and 1569.154.~~
- ~~(29) To manage their financial affairs. A licensee shall not require residents to deposit their personal funds with the licensee. Except as provided in approved continuing care agreements, a licensee, or a spouse, domestic partner, relative, or employee of a licensee, shall not do any of the following:~~
 - ~~(A) Accept appointment as a guardian or conservator of the person or estate of a resident.~~
 - ~~(B) Become or act as a representative payee for any payments made to a resident, without the written and documented consent of the resident or the resident's representative.~~
 - ~~(C) Serve as an agent for a resident under any general or special power of attorney.~~
 - ~~(D) Become or act as a joint tenant on any account with a resident.~~
 - ~~(E) Enter into a loan or promissory agreement or otherwise borrow money from a resident without a notarized written agreement outlining the terms of the repayment being given to the resident.~~
- ~~(30) To keep, have access to, and use their own personal possessions, including toilet articles, and to keep and be allowed to spend their own money, unless limited by statute or regulation."~~

HANDBOOK ENDS HERE

- (b) At admission, a resident and the resident's ~~responsible person or conservator~~ representative shall be personally advised of and given a list of these rights. The licensee shall have each resident and the resident's ~~responsible person or conservator~~ representative sign a copy of these rights, and the signed copy shall be included in the resident's record.
- (c) ~~Facilities licensed for seven (7) or more shall prominently post, in areas accessible to the residents and their relatives, the following:~~
 - ~~(1) Procedures for filing confidential complaints.~~
 - ~~(2) A copy of these rights or, in lieu of a posted copy, instructions on how to obtain additional copies of these rights.~~

(c) Licensees shall prominently post personal rights and complaint information in areas accessible to residents, and their relatives, responsible persons, or conservators, representatives, and the public.

~~(1)~~ Personal rights shall be posted as follows:

~~(A) Licensees of all facilities shall post a copy of the rights specified in subsections (a)(1)(A) through (R) above.~~

~~(B) Licensees of privately operated facilities shall also post a copy of the rights specified in Health and Safety Code section 1569.269.~~

~~(2)~~ Information on the appropriate reporting agency in case of a complaint or emergency, including procedures for filing confidential complaints, shall be posted as follows:

(A) Licensees shall use the ~~Licensing~~ Residential Care Facility for the Elderly (RCFE) Complaint Poster (PUB 475) or may develop their own poster as provided in this section. A poster developed by the licensee shall contain the same content as the PUB 475. The poster that is posted shall be 20" x 26" in size and be posted in the main entryway of the facility. PUB 475 may be accessed, downloaded, and printed from the www.cclid.ca.gov website.

~~(3)~~ Licensees shall post the personal rights and complaint information above in English, and, in facilities where five percent or more of the residents read in a specific language other than English, this information shall also be posted in that specific language in any other language in which at least five percent of the residents can only read that other language.

(d) The information in (c) above shall be posted in English, and in facilities where a significant portion of the residents cannot read English, in the language they can read.

(d) At the request of the department, and immediately if the request is made during an inspection, a licensee shall provide the department with a confidential list of residents that includes the ~~specific~~ language(s) ~~primarily~~ read by each resident, which is to be kept confidential to the extent permitted by law. This list shall be maintained in an accurate and current status at all times.

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.265, 1569.267, 1569.269, 1569.31, 1569.312, and 1569.313, 1569.33, 1569.885 and 1569.889, Health and Safety Code.

Amend Section 87612 to read:

87612 RESTRICTED HEALTH CONDITIONS

87612

(a) The licensee may provide care for residents who have any of the following restricted health conditions, or who require any of the following health services:

(1) - (9) (Continued)

(10) Stage 1 and 2 ~~pressure sores (dermal ulcers)~~ pressure injuries as specified in Section 87631(a)(3).

(11) (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.312 and 1569.72, Health and Safety Code.

Amend Section 87615 to read:

87615 PROHIBITED HEALTH CONDITIONS

87615

- (a) Persons who require health services for or have a health condition including, but not limited to, those specified below shall not be admitted or retained in a residential care facility for the elderly:
- (1) Stage 3 and 4 ~~pressure sores (dermal ulcers)~~ pressure injuries or deep tissue pressure injuries.
 - (2) Unstageable wounds ~~wounds~~ pressure injuries or deep tissue pressure injuries.
 - (23) ~~Gastrostomy care~~ tubes.
 - (34) Naso-gastric tubes.
 - (45) Staphylococcus aureus ("staph") infection or other serious infection.
 - (56) Residents who depend on others to perform all activities of daily living for them as set forth in Section 87459, Functional Capabilities.
 - (67) Tracheostomies.

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2, 1569.312 and 1569.72, Health and Safety Code.

Amend Section 87631 to read:

87631 HEALING WOUNDS

87631

- (a) Except as specified in Section 87611(a), the licensee shall be permitted to accept or retain a resident who has a healing wound under the following circumstances:

(1) - (2) (Continued)

- (3) Residents with a stage one or two ~~pressure sore (dermal ulcer)~~ pressure injury must have the condition diagnosed by a physician or an appropriately skilled professional.

(A) The resident shall receive care for the ~~pressure sore (dermal ulcer)~~ pressure injury from a physician or an appropriately skilled professional.

(B) All aspects of care performed by the medical professional and facility staff shall be documented in the resident's file.

(b) (Continued)

Authority cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.2 and 1569.312, Health and Safety Code.